

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ASHINC Corporation, *et al.*,

Debtors.

Chapter 11

Case No. 12-11564 (CSS)

(Jointly Administered)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE FOR
ASHINC CORPORATION, ET AL., AS SUCCESSOR TO THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
ASHINC CORPORATION, AND ITS AFFILIATED DEBTORS,
Plaintiff,

v.

Adv. Proc. No. 21-51179 (CSS)

YUCAIPA AMERICAN ALLIANCE FUND I, LLC, YUCAIPA
AMERICAN MANAGEMENT, LLC, AMERICAN AIRLINES
MASTER FIXED BENEFIT PENSION PLAN TRUST,
AMERICAN PRIVATE EQUITY PARTNERS II, LP,
AUTOMOTIVE MACHINISTS PENSION TRUST, BOARD OF
FIRE AND POLICE PENSION COMMISSIONERS OF THE
CITY OF LOS ANGELES, CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM, CARPENTERS
PENSION TRUST FUND FOR NORTHERN CALIFORNIA,
COLLER PARTNERS 702 LP INCORPORATED, CLOUSE S.A.,
CONSOLIDATED RETIREMENT FUND, IAM PRIVATE
EQUITY, LLC, ILGWU DEATH BENEFIT FUND 4,
INTERNATIONAL SIF SICAV SA, LOCALS 302 & 612 OF THE
INTERNATIONAL UNION OF OPERATING ENGINEERS –
EMPLOYERS CONSTRUCTION INDUSTRY RETIREMENT
TRUST, LOS ANGELES CITY EMPLOYEES' RETIREMENT
SYSTEM, NATIONAL RETIREMENT FUND, NEW MEXICO
STATE INVESTMENT COUNCIL, NEW MEXICO STATE
INVESTMENT COUNCIL LAND GRANT PERMANENT FUND,
NEW MEXICO STATE INVESTMENT COUNCIL SEVERANCE
TAX PERMANENT FUND, NEW YORK CITY EMPLOYEES'
RETIREMENT SYSTEM, NEW YORK CITY FIRE
DEPARTMENT PENSION FUND, NEW YORK CITY POLICE
PENSION FUND, NORTHEAST CARPENTERS PENSION
FUND, PACIFIC COAST ROOFERS PENSION PLAN, SANBA II
INVESTMENT AUTHORITY, STATE STREET BANK AND
TRUST COMPANY (AS TRUSTEE ON BEHALF OF
AMERICAN AIRLINES MASTER FIXED BENEFIT PENSION
PLAN TRUST); STEAMSHIP TRADE ASSOCIATION OF

BALTIMORE, INC. – INTERNATIONAL LONGSHOREMEN’S
ASSOCIATION (AFL-CIO) PENSION FUND, TEACHERS’
RETIREMENT SYSTEM OF THE CITY OF NEW YORK,
UNITED FOOD AND COMMERCIAL WORKERS
INTERNATIONAL UNION PENSION PLAN FOR
EMPLOYEES, WESTERN CONFERENCE OF TEAMSTERS
PENSION TRUST

Defendants.

NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS

PLEASE TAKE NOTICE that the undersigned counsel hereby appear in the above-captioned adversary proceeding (the “Adversary Proceeding”) within the above-captioned jointly administered chapter 11 case of the debtor (the “Debtor”) on behalf of the Defendants listed on **Schedule 1** attached hereto (hereinafter referred to as the “LP Defendants”), pursuant to the United States Bankruptcy Code, 11 U.S.C. §§ 101 - 1532 (the “Bankruptcy Code”), and Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

PLEASE TAKE FURTHER NOTICE that the undersigned counsel, on behalf of the LP Defendants, hereby request service of any and all notices given in the Adversary Proceeding, including all papers in the adversary proceedings and other related cases and proceedings (collectively, the “Related Proceedings”), and request that the names and addresses of the undersigned counsel be added to all mailing matrices and service lists maintained in the Adversary Proceeding. Service may be made and directed as follows:

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Delaware Counsel to the LP Defendants

PLEASE TAKE FURTHER NOTICE that the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules, Bankruptcy Code, and the Federal Rules of Civil Procedure (wherever applicable), but also includes, without limitation, any order, notice, application, complaint, demand, motion, petition, pleading or request, whether formal or informal, written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telex or otherwise filed or made with regard to the Adversary Proceeding or any Related Proceedings, and for the purposes of CM/ECF.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and any subsequent appearance, pleading, claim, or suit made or filed by the LP Defendants, or any individual LP Defendant do not, shall not, and shall not be deemed to:

- constitute a submission by the LP Defendants, either individually or collectively, to the jurisdiction of the Bankruptcy Court;
- constitute consent by the LP Defendants, either individually or collectively, to entry by the Bankruptcy Court of any final order on any non-core matter or in any non-core proceeding, **which consent is hereby withheld unless, and solely to the extent, expressly granted in the future with respect to a specific matter or proceeding;**
- waive any substantive or procedural rights of the LP Defendants, either individually or collectively, including but not limited to (a) the right to challenge the constitutional authority of the Bankruptcy Court to enter a final order or judgment on any matter; (b) the right to have final orders in non-core matters entered only after de novo review by a United States District Court; (c) the right to trial by jury in any proceedings so triable herein, in any Related Proceedings, or in any other case, controversy, or proceeding related to or arising from the Debtor, the Adversary Proceeding, or any Related Proceedings; (d) the right to seek withdrawal of the bankruptcy reference by a United States District Court in any matter subject to mandatory or discretionary withdrawal; or (e) all other rights, claims, actions, arguments, counterarguments, defenses, setoffs, or recoupments to which the LP Defendants, either individually or collectively, are or may be entitled under agreements, at law, in equity, or otherwise, all of which rights, claims, actions, arguments, counterarguments, defenses, setoffs, and recoupments are expressly reserved, nor shall this request for notice be deemed to constitute consent to electronic service of any pleading or papers for which mailed or personal service is required under any applicable law, rule, regulation, or order.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance does not constitute a submission by any LP Defendant to personal jurisdiction and all LP Defendants reserve all rights and defenses, including without limitation the right to challenge personal jurisdiction over them.

Dated: January 28, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Christopher M. Samis

Christopher M. Samis (No. 4909)

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Counsel to the LP Defendants

Schedule 1

No.	Client Name
1	American Private Equity Partners II, LP
2	American Airlines Master Fixed Benefit Pension Plan Trust
3	California Public Employees' Retirement System
4	Carpenters Pension Trust for Northern California
5	Clouse S.A.
6	Coller Partners 702 LP Incorporated
7	Consolidated Retirement Fund
8	IAM Private Equity, LLC
9	ILGWU Death Benefit Fund 4
10	International SIF SICAV SA
11	Locals 302 & 612 Of The International Union Of Operating Engineers – Employers Construction Industry Retirement Trust
12	National Retirement Fund
13	New Mexico State Investment Council
14	New Mexico State Investment Council Land Grant Permanent Fund
15	New Mexico State Investment Council Severance Tax Permanent Fund
16	New York City Employees' Retirement System
17	New York City Fire Department Pension Fund
18	New York City Police Pension Fund
19	Northeast Carpenters Pension Fund
20	Pacific Coast Roofers Pension Plan
21	Sanba II Investment Authority
22	Steamship Trade Association of Baltimore, Inc. – International Longshoremen's Association (AFL-CIO) Pension Fund
23	Teachers' Retirement System of the City of New York
24	United Food and Commercial Workers International Union Pension Plan for Employees
25	Western Conference of Teamsters Pension Trust